

Introduced by Senator Padilla

February 15, 2013

An act to amend Sections 1415, 9255, and 9260 of the Elections Code, and to amend Sections 34457 and 34458 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 311, as introduced, Padilla. Local elections: charters and charter proposals.

Existing law requires a charter or charter amendment proposed by a charter commission for a city or city and county to be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election date, provided there are at least 95 days before the election. Existing law requires specified city or city and county charter proposals to be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election, provided there are at least 88 days before the election. Existing law also authorizes the governing body of any city or city and county to propose a charter and submit the proposal for the adoption to the voters at the next established statewide general, statewide primary, or regularly scheduled municipal election, provided there are at least 88 days before the election.

This bill would eliminate the option of submitting a city or city and county charter, charter amendment, or charter proposal to the voters at a statewide primary or regularly scheduled municipal election, and would require the charter, charter amendment, or charter proposal to be submitted to the voters at a statewide general election, provide there are at least 95 or 88 days, as applicable, before the election.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1415 of the Elections Code is amended
2 to read:
3 1415. City or city and county charter proposals that qualify
4 pursuant to Section 9255 shall be submitted to the voters at either
5 the next regular general municipal election occurring not less than
6 88 days after the date of the order of election, or at a special
7 election called for that purpose or on any established statewide
8 general election date pursuant to Section 1000 occurring not less
9 than 88 days after the date of the order of election.
10 SEC. 2. Section 9255 of the Elections Code is amended to read:
11 9255. (a) A charter or charter amendment proposed by a charter
12 commission, whether elected or appointed by a governing body,
13 for a city or city and county shall be submitted to the voters at an
14 established statewide general, ~~statewide primary, or regularly~~
15 ~~scheduled municipal~~ election date pursuant to Section 1200, ~~1201,~~
16 ~~or 1301,~~ provided that there are at least 95 days before the election.
17 A charter commission may also submit a charter pursuant to
18 Section 34455 of the Government Code.
19 (b) The following city or city and county charter proposals shall
20 be submitted to the voters at an established statewide general;
21 ~~statewide primary, or regularly scheduled municipal election;~~
22 ~~election~~ pursuant to Section 1200, ~~1201, or 1301,~~ provided that
23 there are at least 88 days before the election:
24 (1) An amendment or repeal of a charter proposed by the
25 governing body of a city or a city and county on its own motion.
26 (2) An amendment or repeal of a city charter proposed by a
27 petition signed by 15 percent of the registered voters of the city.
28 (3) An amendment or repeal of a city and county charter
29 proposed by a petition signed by 10 percent of the registered voters
30 of the city and county.
31 (4) A recodification of the charter proposed by the governing
32 body on its own motion, provided that the recodification does not,
33 in any manner, substantially change the provisions of the charter.

(c) Charter proposals by the governing body and charter proposals by petition of the voters may be submitted at the same election.

(d) The total number of registered voters of the city or city and county shall be determined according to the county elections official's last official report of registration to the Secretary of State that was effective at the time the notice required pursuant to Section 9256 was given.

SEC. 3. Section 9260 of the Elections Code is amended to read: 9260. The petition shall be in substantially the following form:

Petition for Submission to Voters of Proposed Amendment to the Charter of the City (or City and County) of ____

To the city council (or other legislative body) of the City (or City and County) of ____:

We, the undersigned, registered and qualified voters of the State of California, residents of the City (or City and County) of ____, pursuant to Section 3 of Article XI of the California Constitution and Chapter 2 (commencing with Section 34450) of Part 1 of Division 2 of Title 4 of the Government Code, present to the city council (or other legislative body) of the city (or city and county) this petition and request that the following proposed amendment to the charter of the city (or city and county) be submitted to the registered and qualified voters of the city (or city and county) for their adoption or rejection at the next statewide general, ~~statewide primary, or regularly scheduled municipal~~ election date pursuant to Section 1200, ~~1201, or 1301~~.

The proposed charter amendment reads as follows:

First. (setting forth the text of the amendment) ____ (etc.)

Signature	Printed Name	Residence	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SEC. 4. Section 34457 of the Government Code is amended to read:

1 34457. After the charter prepared by the charter commission
2 has been filed in the office of the clerk of the governing body of
3 the city or city and county pursuant to Section 34455, the proposed
4 charter shall be submitted to the voters of the city or city and
5 county at the next established statewide general, ~~statewide primary,~~
6 ~~or regularly scheduled municipal~~ election date pursuant to Section
7 1200, ~~1201, or 1301~~ of the Elections Code, provided there are at
8 least 95 days before the election.

9 SEC. 5. Section 34458 of the Government Code is amended
10 to read:

11 34458. (a) As an alternative to the procedure provided for in
12 Sections 34450 to 34457, inclusive, the governing body of any
13 city or city and county, on its own motion may propose or cause
14 to be proposed, amend or cause to be amended, or repeal or cause
15 to be repealed, a charter, and may submit the proposal for the
16 adoption, amendment, or repeal thereof, to the voters at the next
17 established statewide general, ~~statewide primary, or regularly~~
18 ~~scheduled municipal~~ election date pursuant to Section 1200, ~~1201,~~
19 ~~or 1301~~ of the Elections Code, provided there are at least 88 days
20 before the election.

21 (b) Prior to approving the submission to the voters of a proposal
22 to adopt a charter, the governing body shall hold at least two public
23 hearings on the matter of the proposal of a charter and the content
24 of the proposed charter. Notice of the public hearings shall be
25 given by publication pursuant to Section 6066, in a newspaper
26 designated by the governing body and circulated throughout the
27 city, and by posting the notice in three public places within the
28 jurisdiction at least 21 calendar days prior to the date of each public
29 hearing. The second public hearing shall be held at least 30 days
30 after the first public hearing. At least one of the public hearings
31 shall be held outside of normal business hours to facilitate public
32 participation. The governing body shall not conduct a vote on
33 whether to approve the submission to the voters of the proposal
34 to adopt a charter until 21 days after the second public hearing.